

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**IN RE GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION**

No. 21-MD-3010 (PKC)

**STIPULATION AND [PROPOSED] ORDER REGARDING ADVERTISERS'
CONSOLIDATED AMENDED COMPLAINT AND *SINGH V. GOOGLE LLC*
PUTATIVE CLASS ACTION COMPLAINT**

Defendants Google LLC (“Google”) and Alphabet Inc. (“Alphabet”), the Advertiser Plaintiffs (as defined below), and Plaintiff Sunny Singh (“Singh,” and collectively with the other defined parties, the “Parties”) stipulate and agree as follows:

WHEREAS, on November 18, 2022, the Court stayed any motion practice on all state law claims in this MDL under Pre-Trial Order No. 4, without prejudice to the right of any party to apply to the Court to dissolve the stay ninety days after entry of the order (ECF No. 392);

WHEREAS, on December 2, 2022, Hanson Law Office, Cliffy Care Landscaping, Inc. and Kinin, Inc.¹ (collectively, the “Advertiser Plaintiffs”) filed a Consolidated Amended Complaint (the “Advertiser Plaintiffs’ CAC,” ECF No. 399) asserting, *inter alia*, claims against Google under Section 1 of the Sherman Act, 15 U.S.C. § 1 (Count V) and the Cartwright Act, Cal. Bus. & Prof. Code § 16720 *et seq.* (Count VI) based on Google’s Unified Pricing Rules (“UPR”) and line-item capping;

WHEREAS, on February 3, 2023, Google and Alphabet filed a motion to dismiss the federal claims in the Advertiser Plaintiffs’ CAC (ECF No. 446);

¹ Vitor Lindo, Raintree Medical and Chiropractic Center, LLC, and Rodrock Chiropractic PA were also named Advertiser Plaintiffs at the time of filing (ECF No. 399). These plaintiffs later voluntarily dismissed their claims against Defendants on March 17, 2023 (ECF Nos. 509-10).

WHEREAS, on April 4, 2023, Plaintiff Sunny Singh filed an action against Google, Alphabet, and Meta Platforms, Inc. in the Central District of California (the “*Singh* Complaint,” *Sunny Singh v. Google LLC, et al.*, No. 23-cv-02539 (C.D. Cal.)), similarly asserting, *inter alia*, claims against Google arising from the UPR and line-item capping based on Section 1 of the Sherman Act, 15 U.S.C. § 1 (Count V) and the Cartwright Act, Cal. Bus. & Prof. Code § 16720 *et seq.* (Count VI);

WHEREAS, on May 1, 2023, the *Singh* action was transferred to the Southern District of New York and consolidated and coordinated with the MDL for pre-trial proceedings (*Singh v. Google LLC*, No. 23-cv-03651 (S.D.N.Y.));

WHEREAS, on September 8, 2023, Google and Alphabet filed a motion to dismiss the federal claims in the *Singh* Complaint (ECF No. 625);

WHEREAS, on March 1, 2024, the Court dismissed the Advertiser Plaintiffs’ and Singh’s federal antitrust claim under Section 1 of the Sherman Act (Count V) arising from UPR and line-item capping (ECF No. 701);

WHEREAS, on March 1, 2024, the Court entered an order, based on the stipulation of the parties (*see* ECF No. 588-1), that any ruling by the Court on the pending motions to dismiss the Advertisers’ CAC, except a ruling regarding issues of individual named plaintiffs’ obligations to arbitrate claims against Defendants Google and Alphabet, would be deemed to apply to the *Singh* Complaint (ECF No. 702);

NOW THEREFORE, the Parties, through their respective counsel, hereby stipulate and agree as follows:

1. The Parties agree to the dismissal of the Advertiser Plaintiffs’ and Plaintiff Singh’s antitrust claims under California law arising from UPR and line-item capping, which are set forth

in Count VI of the Advertiser Plaintiffs' CAC and Count VI of the *Singh* Complaint;

2. This stipulation is not and shall not be construed as an admission by any Party regarding the merits of any claim in this litigation, including claims arising from UPR and line-item capping;

3. Notwithstanding this dismissal, the Parties reserve all rights of appeal relating to the Advertiser Plaintiffs' and Plaintiff Singh's claims arising from UPR and line-item capping.

IT IS SO STIPULATED AND ORDERED.

J. Sessions, OSDJ
5-2-24

Dated: April 19, 2024

/s/ Dena C. Sharp

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